

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESLIE PAUL HOWARTH, :  
Plaintiff :  
v. : Civil Action No. 05-37J  
JUDGE KIM GIBSON and DEPUTY CLERK :  
OF COURT JAMES GRAVES, :  
Defendants :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 12, 2005, docket no. 15, recommending that defendants' motion to dismiss the complaint, docket no. 13, be granted.

The parties were was notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has filed objections, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 26<sup>5</sup> day of September, 2005, it is  
ORDERED that defendants' motion to dismiss, docket no. 13,  
is granted and the complaint is dismissed. The Report and  
Recommendation is adopted as the opinion of the Court. The Clerk  
shall mark this matter closed.

BY THE COURT:



GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE

cc:

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